

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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CLAIMING HUMAN RIGHTS: ISSUES AND CHALLENGES

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ABSTRACT

Human rights from UDHR to Protections of Civil Rights Act are listed in detail, but still millions of people are dying of hunger and violence, question is who is responsible, the set answer is that the government is responsible, in this paper I will investigate what are the factors responsible for existence and non-existence of human rights? And how one can know and claim his rights? What are the benefits of these rights?

Keywords: human rights, freedom, civil rights, deprivation, individuality.

INTRODUCTION

If you feel, you are tied up in prison from infancy, just stay connected, there are ways to escape and become an independent person, On the one hand Eric Fromm in his book Escape from Freedom suggested us process of losing our freedom; 1) authoritarianism, 2) destructiveness 3) automaton conformity, on the other hand Plato in his book Republic suggest us the process of becoming an independent person. All human rights including dignity. equality, life, liberty acquired by human being through the struggle as suggested by the Socrates step by step.

HUMAN RIGHTS

Human rights includes the right provided under the Constitution, the Protection of human Rights Act, 1993, Protection of Civil Rights Acts 1955 and other similar legislation. They include the rights including dignity. equality, life, liberty. There are various international convention and declaration providing human rights like UDHR,¹ ECHR,² ICCPR,³ ICESCR⁴ etc. Protection of Civil Rights Acts 1955, provides some basic rights as follows:

¹ Universal Declaration of Human Rights, 1948.

² European Convention on Human Rights, 1950.

³ International Convention on Civil and Political Rights, 1966

⁴ International Convention on Economic, Social and Cultural Rights

- ❖ access to any shop⁵
- ❖ the practice of any profession
- ❖ use of any river, stream, spring, well, tank, cistern, water-tap
- ❖ acquisition, or occupation of any residential premises in any locality,
- ❖ use of any dharmshala, sarai or musafirkhana
- ❖ observance of any social or religious custom, usage or ceremony
- ❖ refuses admission to any person to any hospital, dispensary

BLACK PEOPLE CLAIM INCH BY INCH

A traveling from independence to slavery, slavery to independence, independence to President of America is full of struggles and establishing the guiding principles for same category of people throughout the world. Slavery Comes to North America, 1619, Rise of the Cotton Industry, 1793, Nat Turner's Revolt, August 1831, Abolitionism and the Underground Railroad, 1831, Dred Scott Case, March 6, 1857, John Brown's Raid, October 16, 1859, Civil War and Emancipation, 1861, The Post-Slavery South, 1865, 'Separate But Equal,' 1896, Washington, Carver & Du Bois, 1900, NAACP Founded, 1909, Marcus Garvey and the UNIA, 1916.⁶

Harlem Renaissance, 1920, African Americans in WWII, 1941, Jackie Robinson, 1947, Brown v. Board of Education, May 17, 1954, Emmett Till, August 1955, Rosa Parks and the Montgomery Bus Boycott, December 1955, Central High School Integrated, September 1957, Loving v. Virginia Ruling, 1958, Sit-In Movement and Founding of SNCC, 1960, CORE and Freedom Rides, May 1961, Integration of Ole Miss, September 1962, Birmingham Church Bombed, 1963, 'I Have a Dream,' 1963, Civil Rights Act of 1964, July 1964, Freedom Summer and the 'Mississippi Burning' Murders, June 1964, Selma to Montgomery March, March 1965, Malcolm X Shot to Death, February 1965, Voting Rights Act of 1965, August 1965, Rise of Black Power, Fair Housing Act, April 1968, MLK Assassinated, April 4, 1968, Shirley Chisholm Runs for President, 1972, The Bakke Decision and Affirmative Action, 1978, Jesse Jackson Galvanizes Black Voters, 1984, Oprah Winfrey Launches Syndicated Talk Show, 1986, Los Angeles Riots, 1992, Million Man March, 1995, Colin Powell Becomes Secretary of State, 2001, Barack Obama Becomes 44th US President, 2008, The Black Lives Matter

⁵ Sec. 4 Protection of Civil Rights Acts 1955

⁶ <https://www.history.com/articles/black-history-milestones>

Movement, George Floyd Protests.⁷

The struggle indicates that generation to generation, inch to inch claims made a great change and create a bundles of rights use in different situation.

ACQUISITION OF HUMAN RIGHTS

1. Plato... Republic⁸

Outside the Cave = Light + Day + Knowledge + Due Care = Truth of life

Underground Cave = Darkness + Night + Ignorance + Negligence = False of Life

The ways to escape from prison includes the use of arithmetic, geometry and astronomy as philosopher and warrior, and the process to become independent includes 1) stand up 2) look around 3) sharp pain 4) distress 5) unable to see the realities 6) nearer to reality clear the vision.

Socrates way to acquire knowledge and claiming your rights:⁹

- A. Escape from underground cave
- B. Suffer sharp pain, distress, unable to see reality
- C. Convincing himself that what he saw before was an illusion
- D. Approaching nearer to reality clear the vision
- E. He will be Perplexed
- F. Pain and irritation in his eye and turn away
- G. He will not able to see anything
- H. He grows accustomed eye
- I. He will see moon, stars, sky
- J. Sun is the guardian of all
- K. Facilitate himself and pity inhabitant of den
- L. Does he participate in false competition with inhabitant of the den?
- M. If not, suffer the consequences (*declared offender and death sentence*), if yes, would he not be ridiculous?

So acquiring knowledge and claiming rights is a dangerous path but it is better than to live in an underground cave for the whole life. Auguste Comte also observed that human has passes through three stages; theological stage, metaphysical stage, scientific Stage and knowledge can be acquired through scientific investigation and observation of laws and changes.

⁷ <https://www.history.com/articles/black-history-milestones>

⁸ Plato, Republic Book 7th p.218-250

⁹ Plato, Republic Book 7th p. 218-250

DEPRIVATION OF HUMAN RIGHTS

Human acquire various rights after first world war and second war and contribution of philosophers, advocates but he can losses all of them he follows the way suggested by Eric Fromm: He identifies three ways to escape from freedom:¹⁰

1. Authoritarianism;¹¹ submission to somebody to acquire strength, it accoured from tendency to become ill, feeling of inferiority, powerlessness, insignificance, and tendency to give up independence of one's own individual self and to fuse one's self with somebody or something outside.
2. Destructiveness;¹² elimination of oneself (renouncing own individual integrity) and others, due to unbearable feeling of powerlessness and isolation in comparison with the world outside, "destructiveness is the outcome of unlived life".
3. Automaton Conformity; ¹³withdrawal from the world so completely that it loses its threat and assume that the world outside become small in comparison.

As observed by Eric Fromm Authoritarianism, destructiveness and automaton are way to loose freedom, so a group of people, a class always engage in creating different kind of authorities whom nobody can question, the group also create different means of destructiveness for individuals, the group also create fear so that individual isolate himself from the universe and hence he walks whole on the path designed by other and follows the map prepared by others.

One follows the Map prepared by other, ignoring oneself: almost 95 percent of men follows the Map prepared by others, men is made so week that even he cannot think of preparing his own map and he enjoy so much the different routes that he never bothers himself who why what when the map was prepared? So there is no question as to the authenticity of the map.

One path is designed by others: almost 95 percent of men walk on the path designed by others, that is way men are less creative and died with regret.

CONCLUSION

To claim human rights, we need to prepare our own map of life, and design our own path. Documented human rights are nothing but a false consolation unless we realize its value, so what we need is to understand their value and act accordingly, claiming human rights is not mere a litigation in the court of law, it is path to be followed from generation to generation, it

¹⁰ Eric Fromm, Escape from Freedom 1941.

¹¹ Eric Fromm, Escape from Freedom, p. 146

¹² Eric Fromm, Escape from Freedom p.177

¹³ Eric Fromm, Escape from Freedom P. 183

way of life and way of expression, as Eric observed that destructiveness is the result of un-lived life, in the unclaimed rights follows generations until they are full attended by the individual, a man cannot escape from his unclaimed rights.

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